

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

STEPHANIE GADBERRY,

Plaintiff,

v.

Case No. : 1:22-cv-00155

C. ANDERSON & ASSOCIATES, LLC,

Defendant.

**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

Defendant, C. ANDERSON & ASSOCIATES, LLC. ("Defendant"), through undersigned counsel and pursuant to Federal Rules of Civil Procedure 8 and 12, answer the Complaint (Doc. 1) filed by Plaintiff, Stephanie Gadberry ("Plaintiff"), and assert defenses and affirmative defenses as follows:

JURISDICTION

1. Defendant admits that this is an action against Defendant in which Plaintiff is seeking to obtain relief and to redress the alleged unlawful practices described in the Complaint, but denies any wrongdoing as alleged in Paragraph 1 of the Complaint.

2. Defendant admits that Plaintiff is seeking claims in excess of seventy-thousand dollars but denies that Plaintiff is entitled to such relief as alleged in Paragraph 2 of the Complaint.

THE PARTIES

3. Defendant is without knowledge and therefore denies the first sentence of this paragraph. The remainder of this paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the remaining allegations of Paragraph 3 of the Complaint.
4. Defendant admits the allegations of Paragraph 4 of the Complaint.

CONDITIONS PRECEDENT

5. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 5 of the Complaint.

STATEMENT OF THE ULTIMATE FACTS

6. Defendant admits that Plaintiff applied for a position with Defendant but was offered an alternative role to act as a caregiver for John Anderson's father. Defendant denies the remaining allegations of Paragraph 6 of the Complaint.
7. Defendant denies the allegations of Paragraph 7 of the Complaint.
8. Defendant denies the allegations of Paragraph 8 of the Complaint.

COUNT I
SEX DISCRIMINATION

9. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Complaint.
10. Defendant admits that this is an action against Defendant in which Plaintiff is seeking to obtain relief and to redress the alleged unlawful practices described in the Complaint, but denies any wrongdoing as alleged in Paragraph 10 of the Complaint.
11. Defendant denies the allegations of Paragraph 11 of the Complaint.
12. Defendant denies the allegations of Paragraph 12 of the Complaint.
13. Defendant denies the allegations of Paragraph 13 of the Complaint.
14. Defendant denies the allegations of Paragraph 14 of the Complaint.
15. Defendant denies the allegations of Paragraph 15 of the Complaint.
16. Defendant denies the allegations of Paragraph 16 of the Complaint.
17. Defendant denies the allegations of Paragraph 17 of the Complaint.
18. Defendant denies the allegations of Paragraph 18 of the Complaint.
19. Defendant denies the allegations of Paragraph 19 of the Complaint.

COUNT II
RETALIATION

20. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Complaint.

21. Defendant admits that this is an action against Defendant in which Plaintiff is seeking to obtain relief and to redress the alleged unlawful practices described in the Complaint, but denies any wrongdoing as alleged in Paragraph 21 of the Complaint.

22. Defendant denies the allegations of Paragraph 22 of the Complaint.

23. Defendant denies the allegations of Paragraph 23 of the Complaint.

24. Defendant denies the allegations of Paragraph 24 of the Complaint.

25. Defendant denies the allegations of Paragraph 25 of the Complaint.

26. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 26 of the Complaint.

27. Defendant denies the allegations of Paragraph 27 of the Complaint.

PRAYER FOR RELIEF

In response to WHEREFORE Paragraph of the Complaint, including subsections (a)-(g), Defendant denies all factual allegations and denies that

Plaintiff is entitled to any relief in this action. Further, Defendant denies that there will be any claims to be tried by a jury.

AFFIRMATIVE DEFENSES

GENERAL DENIAL

All allegations in the Complaint not expressly admitted are denied.

FIRST DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, as Defendant did not discriminate against Plaintiff.

THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, as Defendant did not retaliate against Plaintiff.

FOURTH DEFENSE

Plaintiff's claims are barred to the extent Plaintiff failed to exhaust her administrative remedies.

FIFTH DEFENSE

Plaintiff's claims are barred because (a) Defendant exercised reasonable care to prevent and correct promptly any sexually harassing behavior and (b) that

the plaintiff employee unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to avoid harm otherwise.

SIXTH DEFENSE

Defendant cannot fully anticipate all defenses which may be applicable to this action. Accordingly, the right to assert additional defenses, to the extent such defenses are applicable, is hereby reserved.

Dated this 14th day of November 2022.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/Ian E. Smith
Attorney